



**BellSouth Telecommunications, Inc.**  
**Legal Department**  
1600 Williams Street  
Suite 5200  
Columbia, SC 29201

**Patrick W. Turner**  
General Counsel-South Carolina

803 401 2900  
Fax 803 254 1731

patrick.turner@bellsouth.com

January 29, 2007

The Honorable Charles Terreni  
Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Re: dPi Teleconnect, LLC, Complainant/Petitioner v. BellSouth Telecommunications,  
Incorporated, Defendant/Respondent  
Docket No.: 2005-358-C

Dear Mr. Terreni:

Enclosed for filing are an original and one (1) copy of BellSouth Telecommunications, Inc.'s Response to dPi Teleconnect, LLC's First Set of Requests for Information in the above-referenced matter.

By copy of this letter, I am serving all parties of record with a copy of this response as indicated on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Patrick W. Turner". The signature is written in a cursive, flowing style.

Patrick W. Turner

PWT/nml  
Enclosure  
cc: All Parties of Record  
DM5 #665411

**THIS DOCUMENT IS AN EXACT DUPLICATE OF THE E-FILED COPY  
SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC  
FILING INSTRUCTIONS.**

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

In RE:	)	
	)	
dPi TELECONNECT, LLC,	)	
	)	
Complainant,	)	
	)	Docket No. 2005-358-C
v.	)	
	)	
BELLSOUTH TELECOMMUNICATIONS,	)	
INC.	)	
	)	
Defendant.	)	

**BELLSOUTH TELECOMMUNICATIONS, INC.'s, RESPONSE TO dPi  
TELECONNECT, LLC'S ("dPi")  
FIRST SET OF REQUESTS FOR INFORMATION**

BellSouth Telecommunications, Inc. ("BellSouth"), Defendant in the above-captioned matter, by and through its undersigned counsel, submits its response to dPi Teleconnect, LLC's ("dPi") First Set of Requests for Information ("First Set of RFIs"), dated January 3, 2007.

**General Objections**

1. BellSouth objects to each Request to the extent that it purports to impose upon BellSouth any obligations more onerous or far reaching than set forth in the South Carolina Rules of Civil Procedure.

2. BellSouth objects to each Request to the extent that it would require BellSouth to reveal information or documents that are protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege.

3. BellSouth objects to each Request to the extent that it seeks the mental impressions or work product of its attorneys.

4. BellSouth objects to each Request to the extent that it seeks copies of documents that are a matter of public record and therefore available to the Plaintiff.

5. BellSouth objects to each Request to the extent that it is irrelevant and that the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence.

6. BellSouth objects to each Request to the extent that the information sought is unreasonably cumulative or duplicative.

7. BellSouth objects to each Request to the extent that the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive.

8. BellSouth objects to each Request to the extent that the party seeking this information has had ample opportunity by discovery in the action to obtain the information sought.

9. BellSouth objects to each Request to the extent that it is vague and overly broad.

10. BellSouth objects to each Request to the extent that it seeks to require BellSouth to produce a document it does not create or maintain in the ordinary course of business.

11. BellSouth objects to each Request to the extent that responding to it would be unduly burdensome and/or expensive.

12. BellSouth is a large corporation with employees located in many different locations in South Carolina and in other states. In the course of its business, BellSouth creates countless documents that are not subject to Commission or FCC retention of

records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change jobs or as the business is reorganized. BellSouth will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that any Request purports to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

13. BellSouth reserves the right to supplement its responses to Requests as additional information responsive to the Requests becomes available.

## **Specific Responses**

REQUEST: Please identify each of the legal theories behind your claims or defenses in this matter.

RESPONSE: BellSouth objects to this request on the grounds that it seeks information that is protected from discovery by the attorney-client privilege and/or work product doctrine. Subject to and without waiving the foregoing objection, and as explained in BellSouth's submissions in the North Carolina proceeding and by the Orders issued by the North Carolina Utilities Commission in that proceeding, the resale provisions of the 1996 Act and the rules implementing those provisions do not require BellSouth to issue credits that dPi incorrectly claims it is owed. BellSouth will set forth in detail the reasons that support its positions in its testimony and/or post-hearing briefs.

REQUEST: Please identify in general the factual bases underlying each of your legal theories, claims, or defenses in this matter.

RESPONSE: See BellSouth's response to Item No. 1-1. Subject to and without waiving the foregoing objection, please refer to the BellSouth submissions in the North Carolina proceeding, the Orders issued by the North Carolina Utilities Commission in that proceeding, and the information provided in response to these Requests.

REQUEST: Please identify any and all amounts you are seeking from dPi Teleconnect, LLC, on a month to month basis, beginning the first month you claim you are owed money from dPi Teleconnect, LLC. Please explain how these figures are arrived at. (e.g., include amounts owed as recurring fees, non-recurring fees, late fees, etc.).

RESPONSE: BellSouth is entitled to any amount that dPi has wrongfully withheld from paying BellSouth including without limitation claimed, but invalid, promotional credits. Given that dPi is withholding amounts, it is dPi that is in the best position to provide this information.

Subject to and without waiving the foregoing, BellSouth will produce information regarding the amounts BellSouth believes to be at issue. This information is proprietary and will be provided upon execution or entry of an acceptable nondisclosure agreement or protective order.

BellSouth, therefore, reserves the right to address these figures once dPi provides information on amounts withheld.



REQUEST: Please provide a copy of any document, exhibit, electronic file, or item that you intend to introduce into evidence at the hearing of this docket.

RESPONSE: BellSouth has not yet determined which documents and other items it will introduce into evidence at the hearing in this matter. BellSouth will file any exhibits to pre-filed testimony in accordance with the Commission's Rules and Orders. BellSouth also reserves the right to introduce cross-examination exhibits at the hearing and to offer documents pursuant to applicable statutes and rules governing hearings before the Commission.

REQUEST: Please provide the name, address, and telephone number of persons having knowledge of relevant facts in this case, and a brief statement of each identified person's connection with the case.

RESPONSE: Each of the following persons is an employee, agent, or independent contractor of BellSouth, and any desired contact with any of these persons should be coordinated through the undersigned counsel.

- Kristy Seagle has been involved with validating and processing all of dPi's resale promotion credits. Ms. Seagle's address and telephone number are:  
E5I1  
3535 Colonnade Pkwy - South  
Birmingham, AL 35243-2346  
205-977-1208
- Keith Deason has been involved with validating and processing all of dPi's resale promotion credits. Mr. Deason's address and telephone number are:  
Suite E5I1  
3535 Colonnade Parkway  
Birmingham, AL 35243  
205-977-1177
- Jim Maziarz has had knowledge of dPi complaints and has been involved in responding to the promotion credit complaint. Mr. Maziarz's address and telephone number are:  
E5I1  
3535 Colonnade Pkwy – South  
Birmingham, AL 35243-2346  
205-977-2998
- Advernall Allen has had knowledge of dPi complaints and has been involved in responding to the promotion credit complaint. Ms. Allen's address and telephone number are:  
E5I1  
3535 Colonnade Pkwy – South  
Birmingham, AL 35243-2346

RESPONSE: (Cont.)

- Pam Tipton has had knowledge of dPi complaints and has been involved in responding to the promotion credit complaint. Ms. Tipton's address and telephone number are:  
675 W Peachtree Street  
Atlanta, GA 30375  
404-927-8904

REQUEST: Please provide a list of the name, address, and telephone number of any witness who is expected to be called to testify at the hearing of this matter.

RESPONSE: BellSouth has not yet determined its witness(es), if any. BellSouth will pre-file any testimony in accordance with the Commission's Rules and Orders.

REQUEST: For any testifying expert, please provide:

- a. the expert's name, address, and telephone number;
- b. the subject matter on which the expert will testify;
- c. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- d. if the expert is retained by, employed by, or otherwise subject to the control of the responding party;
  1. All documents (including all letters and correspondence whatsoever between you [as that term is defined herein] and any person who may be called as an expert witness), tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
  2. the expert's current resume and bibliography.

RESPONSE: BellSouth has not yet determined if it will introduce the testimony of an expert witness. If BellSouth seeks to do so, the information requested above will be provided as part of each expert's pre-filed testimony.

REQUEST: For any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert, please provide:

- a. the expert's name, address, and telephone number;
- b. the subject matter on which the expert will testify;
- c. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- d. if the expert is retained by, employed by, or otherwise subject to the control of the responding party;
  1. All documents (including all letters and correspondence whatsoever between you [as that term is defined herein] and any person who may be called as an expert witness), tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
  2. the expert's current resume and bibliography.

RESPONSE: BellSouth objects to this request to the extent that it seeks information protected by the work product doctrine or otherwise is beyond the scope of permissible discovery.

Subject to, and without waiving the foregoing objection, BellSouth has not yet determined if it will introduce the testimony of an expert witness.

BellSouth Telecommunications, Inc.  
SC PSC Docket No. 2005-358-C  
dPi's First Set of RFIs  
January 3, 2007  
Item No. 1-9  
Page 1 of 1

REQUEST: Please produce copies of all formal and informal reports and documents in your possession prepared by an officer or employee of any governmental agency which pertains, in any way, to this dispute.

RESPONSE: BellSouth has no responsive documents.

REQUEST: A listing of each person, including name, address, and telephone number, acting in your behalf who investigated any part of the issues in dispute.

RESPONSE: Each of the following persons is an employee, agent, or independent contractor of BellSouth, and any desired contact with any of these persons should be coordinated through the undersigned counsel.

Kristy Seagle  
Suite E5I1  
3535 Colonnade Parkway  
Birmingham, AL 35243  
205-977-1208

Sandra Harris  
Suite E5I1  
3535 Colonnade Parkway  
Birmingham, AL 35243  
205-977-1122

Keith Deason  
Suite E5I1  
3535 Colonnade Parkway  
Birmingham, AL 35243  
205-977-1177

Karen Barton  
14<sup>th</sup> Floor  
600 19<sup>th</sup> Street North  
Birmingham, AL 35203  
205-714-0457



REQUEST: Please identify with particularity each of the promotions which BellSouth has offered its end users or potential new customers since January 1, 2002. Please describe and produce a copy of all the terms describing and governing eligibility for the promotion, including but not limited to, effective dates, and any tariff or other regulatory filings made by BellSouth.

RESPONSE: BellSouth objects to this Request to the extent it seeks information that is already a matter of public record before this or another state commission or is otherwise readily accessible to dPi through publicly available means. Competitive Local Exchange Carriers ("CLECs") such as dPi are notified of promotions offered in South Carolina and, to the extent required by law, these promotions are filed with the Public Service Commission of South Carolina ("SCPSC"). BellSouth also objects to this Request to the extent it seeks information that is already in dPi's possession, custody, or control.

BellSouth further objects to this Request on the grounds that it is overly broad and that complying with it would be unduly burdensome. BellSouth has offered numerous promotions over the last two years and should not have to catalog each one for dPi's benefit when, as explained above, dPi has access to the requested information.

BellSouth also objects to this Request to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence that is relevant to any issue in this complaint. dPi is requesting information related to promotions that have been offered by BellSouth since January 1, 2002. dPi's complaint is only related to promotions BellSouth has offered since the Fall of 2003.

Subject to, and without waiving the foregoing objections, promotions currently offered by BellSouth can be found at the below web link: <http://www.interconnection.bellsouth.com/>. Also, please see BellSouth's response to Request No. 1-12.

REQUEST: Please identify with particularity each of the promotions under which dPi Teleconnect, LLC, sought any credit, which request was denied by BellSouth since January 1, 2002.

RESPONSE: BellSouth objects to this Request on the grounds that it is overly broad and that complying with it would be unduly burdensome because, as explained above, dPi has access to the requested information.

Subject to and without waiving the foregoing objections, BellSouth denied dPi's requests for credit for the following promotions:

- Secondary Service Charge Waiver October, 2003 through present
- Line Connection Waiver January, 2004 through present
- 1FR 2 Free Features November, 2003 through December, 2005

Documents related to these promotions are attached.

September 4, 2003

Mr. Wayne Burdett, Manager  
Utilities Department  
Public Service Commission of South Carolina  
Columbia, SC

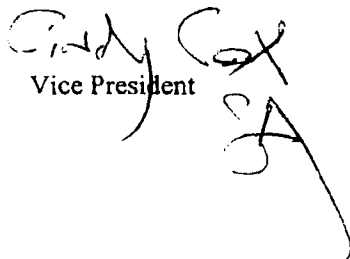
SUBJECT: Residence Secondary Service Order Waiver

Dear Mr. Burdett:

Attached are the details of a promotion BellSouth plans to offer in South Carolina.

If you have any questions, please call Les Addis at 803-401-2216.

Yours truly,

  
Vice President

## Secondary Service Charge Waiver

In accordance with the special promotions section A2.10 of the General Subscriber Services Tariff, BellSouth will extend the residential Secondary Service Charge Waiver promotion beginning September 4, 2003 and continuing through September 3, 2004.

### Promotion Specifics:

Beginning September 4, 2003 through September 3, 2004 the Secondary Service Charge will be waived when a residence customer adds or changes the following services/features to their existing service using RightTouch®, the BellSouth web site, or through BellSouth authorized telemarketing.

#### Services/Features included in waiver:

- Rotary Line Service (Grouping)
- TouchStar® Service
- Custom Calling Services
- Prestige® Service
- Customized Code Restriction
- Designer Listings
- Message Waiting Indication
- RingMaster® Service
- Voice Mail Companion Services Package

The Secondary Service Charge will also be waived when a residence customer adds or changes the following service/feature to their existing service through the BellSouth residential business office.

#### Service/Feature included in waiver:

- Voice Mail Companion Services Package

The Secondary Service Charge will also be waived when a residence customer with Flexible Call Forwarding adds or changes the following services/features due to the elimination of Flexible Call Forwarding.

#### Services/Features included in waiver:

- Call Forwarding Busy Line
- Call Forwarding No Answer
- Call Forwarding Variable
- Preferred Call Forwarding
- Remote Access to Call Forwarding

TARIFF FILING PACKAGE: SC 2004-087

August 11, 2004

Mr. Wayne Burdett, Manager  
Utilities Department  
Public Service Commission of South Carolina  
Columbia, South Carolina 29201

Re: Secondary Service Order Waiver - Extension

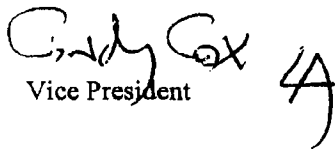
Dear Mr. Burdett:

In accordance with the special promotions sections of the General Subscribers Services Tariff (A2.10), BellSouth plans to extend the attached promotion which is scheduled to end on September 3, 2004.

The extended promotion will end on December 31, 2004.

The only change in the promotion is the end date.

Yours very truly,

  
Vice President

## Secondary Service Charge Waiver

In accordance with the special promotions section A2.10 of the General Subscriber Services Tariff, BellSouth will extend the residential Secondary Service Charge Waiver promotion beginning September 4, 2003 and continuing through September 3, 2004.

**Promotion Specifics:**

Beginning September 4, 2003 through September 3, 2004 the Secondary Service Charge will be waived when a residence customer adds or changes the following services/features to their existing service using RightTouch®, the BellSouth web site, or through BellSouth authorized telemarketing.

**Services/Features included in waiver:**

- Rotary Line Service (Grouping)
- TouchStar® Service
- Custom Calling Services
- Prestige® Service
- Customized Code Restriction
- Designer Listings
- Message Waiting Indication
- RingMaster® Service
- Voice Mail Companion Services Package

The Secondary Service Charge will also be waived when a residence customer adds or changes the following service/feature to their existing service through the BellSouth residential business office.

**Service/Feature included in waiver:**

- Voice Mail Companion Services Package

The Secondary Service Charge will also be waived when a residence customer with Flexible Call Forwarding adds or changes the following services/features due to the elimination of Flexible Call Forwarding.

**Services/Features included in waiver:**

- Call Forwarding Busy Line
- Call Forwarding No Answer
- Call Forwarding Variable
- Preferred Call Forwarding
- Remote Access to Call Forwarding

## **Secondary Service Charge Waiver**

In accordance with the special promotions section A2.10 of the General Subscriber Services Tariff, BellSouth plans to offer the residential Secondary Service Charge Waiver promotion beginning January 1, 2005 and continuing through December 31, 2005.

### **Promotion Specifics:**

Beginning and ending on the above dates, the Secondary Service Charge will be waived when a residence customer adds or changes the following services/features to their existing service:

#### **Services/Features included in waiver:**

- Rotary Line Service (Grouping)
- TouchStar® Service
- Custom Calling Services
- Prestige® Service
- Customized Code Restrictions
- Designer Listings
- Message Waiting Indication
- RingMaster® Service
- Privacy Director
- Voice Mail Companion Services Package
- MemoryCall Service/BellSouth Voice Mail Service

#### **Program Restriction:**

- BellSouth reserves the right to terminate or modify this promotion at any time after Commission notice.

South Carolina  
Promotion Description

**Secondary Service Charge Waiver**

**Overview of Promotion**

BellSouth plans to offer the following Special Promotion beginning January 1, 2006 and ending on December 31, 2006: Residential Secondary Service Charge Waiver (A4.2.4).

**Program Specifics**

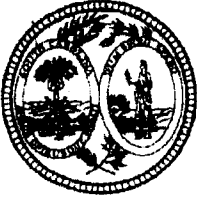
The Secondary Service Charge will be waived when residential customers add or change one or more of the following services/features to their existing service:

- Rotary Line (Grouping) Service
- TouchStar® Service
- Custom Calling Service
- Prestige® Communications Package
- Customized Code Restrictions
- Designer Listings
- Message Waiting Indication
- RingMaster® Service
- Privacy Director® Service
- Voice Mail Companion Services Package

**Program Restrictions**

- BellSouth reserves the right to modify or to terminate this promotion at any time following Commission notice.





Charles L. A. Terreni  
Chief Clerk/Administrator  
Phone: (803) 896-5133  
Fax: (803) 896-5246

## *The Public Service Commission State of South Carolina*

COMMISSIONERS  
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Docketing Department  
Jocelyn G. Boyd, Deputy Clerk  
Phone: (803) 896-5114  
Fax: (803) 896-5199

January 11, 2007

Cindy Cox  
Vice President  
BellSouth  
P. O. Box 752  
Columbia, S. C. 29202

### **In Re: Advise Commission of Promotions**

Dear Ms. Cox:

This letter is to inform you that the Commission was advised on January 10, 2007 of the enclosed promotions. I have enclosed a copy of the correspondence for clarification purposes.

If you have questions regarding this matter, feel free to contact me at (803) 896-5105.

Sincerely,

A handwritten signature in cursive script that reads "Colanthia B. Alvarez".

Colanthia B. Alvarez  
Program Coordinator

Enclosures

South Carolina  
Promotion Description

**Secondary Service Charge Waiver**

**Overview of Promotion**

BellSouth plans to offer the following Special Promotion beginning January 1, 2007 and ending on December 31, 2007: Residential Secondary Service Charge Waiver.

**Program Specifics**

The Secondary Service Charge (GSST A4) will be waived when residential customers add or change one or more of the following services/features to their existing service:

- Rotary Line (Grouping) Service
- TouchStar® Service
- Custom Calling Service
- Prestige® Communications Package
- Customized Code Restrictions
- Designer Listings
- Message Waiting Indication
- RingMaster® Service
- Privacy Director® Service
- Voice Mail Companion Services Package

**Program Restrictions**

- BellSouth reserves the right to terminate this promotion at any time subject to PSC notice.

December 21, 2004

Mr. Wayne Burdett, Manager  
Utilities Department  
Public Service Commission of South Carolina  
Columbia, SC

RECEIVED  
DEC 21 10:05 AM  
COMMUNICATIONS

SUBJECT: Cancellation of the following promotion:

**BellSouth Line Connection Charge Waiver (SC 2004-130)**

Dear Mr. Burdett:

Please accept this as BellSouth's request to cancel the attached promotions effective immediately.

The Commission was advised of this promotion on December 15, 2004.

This promotion is being replaced by a promotion with the same package number, SC 2004-130. The only difference between the two promotions is the second promotion requires the customer have two features as opposed to one feature in the first promotion.

Yours truly,

  
Vice President

**Executive Summary**

**Line Connection Charge Waiver**

SC 2004-130  
COMMISSION  
2004 NOV 30 PM 2:22  
FILED

**Planned Promotion**

The Line Connection Charge Waiver residence promotion is scheduled to begin on December 26, 2004 and end on December 26, 2005. Services included in this promotion are:

- BellSouth® Complete Choice® plan
- BellSouth® PreferredPack<sup>SM</sup> plan
- BellSouth® basic service and one ( 1 ) Custom Calling (or TouchStar® service) local features

**Promotion Specifics:**

Specific features of this promotion are as follows:

Beginning on December 26, 2004 and end on December 26, 2005, the Line Connection Charge found in Section A4 of the General Subscriber Service Tariff to residential customers who currently are not using BellSouth for local service and who purchase BellSouth® Complete Choice® service, BellSouth® PreferredPack<sup>SM</sup> service, or basic service and one ( 1 ) features will be waived.

**Restrictions/Eligibility Requirements:**

- Customer must either not currently have local service with BellSouth or not have service with BellSouth on one or more of their existing lines, including the line on which the service qualifying for this promotion will be provisioned.
- The target customer for this promotion is a customer that switches service from either a facility based or reseller CLEC. This promotion is not valid for out-of-region customers who are new to BellSouth or customers within the region who are not currently receiving local service from any provider.
- Customer must have local service or equivalent (wireless in lieu of wire-line) at the same local service address on one or more of their existing lines.
- Customer must request service at the same address and in the same name, unless customer is planning an imminent move from one address in BellSouth territory to another address in BellSouth territory within thirty (30) days of responding to the offer. In the case of an imminent move, the BellSouth representative can offer the customer the promotion and place the order at the new address.
- The customer must switch their local service to BellSouth and purchase any one of the following: BellSouth® Complete Choice® plan, BellSouth® PreferredPack<sup>SM</sup> plan, or BellSouth® basic service and one ( 1 ) Custom Calling (or TouchStar® service) local features.
- The customer must place the order on or before 12/26/05.
- Offer valid for only one (1) service line at the intended local service address.
- The customer must place their order through a BellSouth business office or outbound telemarketing vendor or alternate channels as indicated.
- BellSouth reserves the right to discontinue or modify this promotion at any time after notifying the Commission.

- Customer must have the eligible services on their new service order (N) in order to receive the promotional offer.
- Offer may be combined with other offers for the same service at the same time.

All BellSouth marks contained herein are owned by BellSouth Intellectual Property Corporation.

**Executive Summary**

**Line Connection Charge Waiver**

**Planned Promotion**

The Line Connection Charge Waiver promotion is scheduled to begin on December 26, 2004 and end on December 26, 2005. Services included in this promotion are:

- BellSouth® Complete Choice® plan
- BellSouth® PreferredPack<sup>SM</sup> plan
- BellSouth® basic service and two (2) Custom Calling (or TouchStar® service) local features

**Promotion Specifics:**

Specific features of this promotion are as follows:

Beginning on December 26, 2004 and end on December 26, 2005, the Line Connection Charge found in Section A4 of the General Subscriber Service Tariff to residential customers who currently are not using BellSouth for local service and who purchase BellSouth® Complete Choice® service, BellSouth® PreferredPack<sup>SM</sup> service, or basic service and two (2) features will be waived.

**Restrictions/Eligibility Requirements:**

- Customer must either not currently have local service with BellSouth or not have service with BellSouth on one or more of their existing lines, including the line on which the service qualifying for this promotion will be provisioned.
- The target customer for this promotion is a customer that switches service from either a facility based or reseller CLEC. This promotion is not valid for out-of-region customers who are new to BellSouth or customers within the region who are not currently receiving local service from any provider.
- Customer must have local service or equivalent (wireless in lieu of wire-line) at the same local service address on one or more of their existing lines.
- Customer must request service at the same address and in the same name, unless customer is planning an imminent move from one address in BellSouth territory to another address in BellSouth territory within thirty (30) days of responding to the offer. In the case of an imminent move, the BellSouth representative can offer the customer the promotion and place the order at the new address.
- The customer must switch their local service to BellSouth and purchase any one of the following: BellSouth® Complete Choice® plan, BellSouth® PreferredPack<sup>SM</sup> plan, or BellSouth® basic service and two (2) Custom Calling (or TouchStar® service) local features.
- The customer must place the order on or before 12/26/05.
- Offer valid for only one (1) service line at the intended local service address.
- The customer must place their order through a BellSouth business office or outbound telemarketing vendor or alternate channels as indicated.
- BellSouth reserves the right to discontinue or modify this promotion at any time after notifying the Commission.

- Customer must have the eligible services on their new service order (N) in order to receive the promotional offer.
- Offer may be combined with other offers for the same service at the same time.

All BellSouth marks contained herein are owned by BellSouth Intellectual Property Corporation.

South Carolina  
Promotion Description

Line Connection Charge Waiver

**Overview of Promotion**

BellSouth plans to offer the following Special Promotion beginning December 27, 2005 and ending on December 31, 2006: Line Connection Charge Waiver (A4.2.2).

**Program Specifics**

The Line Connection Charge will be waived for new acquisition or reacquisition residential customers who are currently not using BellSouth for local service and who subscribe to BellSouth basic service and two (2) features.

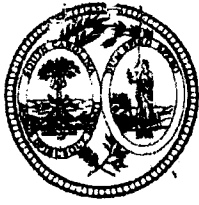
1. Customer must either not currently have local service with BellSouth or not have service with BellSouth on one or more of their existing lines, including the line on which the service qualifying for this promotion will be provisioned.
2. The target customer for this promotion is a customer that switches service from either a facility based or reseller CLEC. This promotion is not valid for out of region customers who are new to BellSouth.
3. Customer must have local service or equivalent (wireless in lieu of wire-line) at the same local service address on one or more of their existing lines.
4. Customer must request service at the same address and in the same name, unless the customer is planning an imminent move from one address in BellSouth territory to another address in BellSouth territory within 30 days of responding to the offer. In the case of an imminent move, the BellSouth representative can offer the customer the promotion and place the order at the new address.
5. The customer must switch their local service to BellSouth and subscribe to BellSouth basic service and two (2) Custom Calling (or Touchstar) local feature(s).
6. The customer must place the order on or before 12/31/06.
7. Offer valid for only one (1) service line at the intended local service address.
8. The customer must place their order through a BellSouth business office or outbound telemarketing vendor or alternate channels as indicated.
9. BellSouth reserves the right to discontinue or modify this promotion at any time without customer notice.
10. Customer must have the eligible services on their new service order (N) in order to receive the promotional offer.
11. Offer may be combined with other offers for the same service at the same time.
12. BellSouth reserves the right to terminate or to modify this promotion at any time following Commission notice.

All BellSouth marks contained herein are owned by BellSouth Intellectual Property Corporation

SC2005-139

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## *The Public Service Commission State of South Carolina*

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January 11, 2007

Cindy Cox  
Vice President  
BellSouth  
P. O. Box 752  
Columbia, S. C. 29202

### **In Re: Advise Commission of Promotions**

Dear Ms. Cox:

This letter is to inform you that the Commission was advised on January 10, 2007 of the enclosed promotions. I have enclosed a copy of the correspondence for clarification purposes.

If you have questions regarding this matter, feel free to contact me at (803) 896-5105.

Sincerely,

Colanthia B. Alvarez  
Program Coordinator

Enclosures

## **Promotion Description**

### **Service Connection Charge Waiver**

#### **Overview**

The Service Connection Charge Waiver (GSST A4) promotion is scheduled to begin on January 1, 2007 and end on February 27, 2007. The service connection charge will be waived for certain residential Competitive Acquisition customers.

#### **Promotion Specifics**

The service connection charge will be waived for Competitive Acquisition residential customers who subscribe basic service and two (2) features, and who are not currently with BellSouth® for local service.

#### **Promotion Restrictions/Eligibility Requirements**

1. Customer must have at least one (1) wireline local service or equivalent (wireless in lieu of wireline) with a provider other than BellSouth at a local service address within BellSouth territory.
2. The customer must select BellSouth as their local service provider.
3. Customer must request the qualifying service at the same address and in the same name as the existing service, unless customer is planning an imminent move from one address in BellSouth territory to another address within thirty (30) days of responding to the offer. In the case of an imminent move, BellSouth can offer the customer the promotion and place the order at the new address.
4. This offer is not valid for out of region customers who are new to BellSouth.
5. This offer is not available to existing BellSouth customers.
6. Customer must not have had local service with BellSouth at least twenty (20) days prior to the new service connection date.
7. BellSouth employees are not eligible for this offer.
8. Offer valid for only one (1) service line at the intended local service address.
9. Offer may be combined with cash back offers on other affiliates, or other promotional offers on the same service, as such offers may be concurrently available from time to time, provided that the Company reserves the right to prohibit the combination of this promotion with any other promotion, at the Company's sole discretion.
10. BellSouth reserves the right to discontinue or modify this promotion at any time without customer notice but after Commission notice.
11. The customer must place the order on or before February 27, 2007.
12. Customer must have the eligible services on their new service order (N) in order to receive the promotional offer.
13. The customer must place the order through a BellSouth business office or outbound telemarketing vendor or alternate channels as indicated.

All BellSouth marks contained herein are owned by BellSouth Intellectual Property Corporation.



Gary E. Walsh  
Executive Director  
Phone: (803) 896-5133  
Fax: (803) 896-5246

## ***The Public Service Commission State of South Carolina***

COMMISSIONERS  
Mignon L. Clyburn, Sixth District  
*Chair*  
Randy Mitchell, Third District  
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James Blake Atkins, Ph.D., Second District  
Nick Theodore, Fourth District  
H. Clay Camuth, Jr., Fifth District  
C. Robert Moseley, At-Large  
Utilities Department  
D. Wayne Burdett, Manager  
Phone: (803) 896-5125  
Fax: (803) 896-5199

October 27, 2003

Cindy Cox  
Vice President  
BellSouth  
1600 Hampton St.  
Columbia, S. C. 29201

### **In Re: Advise Commission of Promotions**

Dear Ms. Cox:

This letter is to inform you that the Commission was advised on October 21, 2003, of the enclosed promotions. I have enclosed a copy of each correspondence for clarification purposes.

If you have questions regarding this matter, feel free to contact me at (803) 896-5105.

Sincerely,

A handwritten signature in cursive script that reads "Colanthia B. Alvarez".

Colanthia B. Alvarez  
Rates Analyst  
Utilities Department

Enclosures:

**Executive Summary**

## **1FR with 2 Features At No Charge for 12 Months Promotion**

**Planned Promotion**

The 1FR with 2 Features At No Charge for 12 Months promotion is beginning on October 15, 2003 and ending on October 8, 2004. Services included in this promotion are:

- 1FR (local line)
- 2 Land line vertical features (Custom Calling and/or TouchStar features from BellSouth)

**Promotion Specifics:**

Specific features of this promotion are as follows:

Under this promotion, eligible residence customers who purchase a 1FR (local line) from BellSouth and who are currently not using BellSouth for local service will receive 2 features at no charge for 12 months.

**Restrictions/Eligibility Requirements:**

- Customer must either not currently have local service with BellSouth or not have service with BellSouth on one or more of their existing lines, including the line on which the service qualifying for this promotion will be provisioned.
- Customer must have local service or equivalent (wireless in lieu of wire-line) at the same local service address on one or more of their existing lines.
- Customer must request service at the same address and in the same name, unless customer is planning an imminent move from one address in BellSouth territory to another address in BellSouth territory within 30 days of responding to the offer. In the case of an imminent move, the BellSouth representative can offer the customer the promotion and place the order at the new address.
- Customer must have not had local service with BellSouth at least 10 days prior to the new service connection date.
- The customer must switch their local service to BellSouth and purchase BellSouth basic (1FR) service.
- The customer must place the order on or before October 8, 2004.
- Offer valid for only one (1) service line at the intended local service address.
- The customer must place their order through a BellSouth business office or outbound telemarketing vendor or alternate channels as indicated.
- Once the customer completes the above requirements they will receive two local line features without charge for 12 months. If the customer cancels or discontinues the qualifying service (1FR), he will be ineligible for this offer.
- BellSouth reserves the right to discontinue or modify this promotion at any time following Commission notice.

- Customer must have the eligible services on their new service order (N) in order to receive the promotional offer.
- Initially, this promotion may not be combined with the \$100 1FR + 2 Features Cash Back offer. Offer may be combined with cash back offers or other promotional offers on the same services provided that at the Company's sole discretion it may prohibit the combination of this promotion with any other promotion.

All BellSouth marks contained herein are owned by BellSouth Intellectual Property Corporation.

**Executive Summary**

**1FR with 2 Features At No Charge for 12 Months Promotion**

**Planned Promotion**

The 1FR with 2 Features At No Charge for 12 Months promotion is beginning on October 9, 2004 and ending on March 31, 2005. Services included in this promotion are:

- 1FR (local line)
- 2 Land line vertical features (Custom Calling and/or TouchStar features from BellSouth)

**Promotion Specifics:**

Specific features of this promotion are as follows:

This promotion offers eligible residence customers who purchase a 1FR (local line) from BellSouth and who are currently not using BellSouth for local service 2 features at no charge for 12 months.

**Restrictions/Eligibility Requirements:**

- Customer must either not currently have local service with BellSouth or not have service with BellSouth on one or more of their existing lines, including the line on which the service qualifying for this promotion will be provisioned.
- Customer must have local service or equivalent (wireless in lieu of wire-line) at the same local service address on one or more of their existing lines.
- Customer must request service at the same address and in the same name, unless customer is planning an imminent move from one address in BellSouth territory to another address in BellSouth territory within 30 days of responding to the offer. In the case of an imminent move, the BellSouth representative can offer the customer the promotion and place the order at the new address.
- Customer must have not had local service with BellSouth at least 10 days prior to the new service connection date.
- The customer must switch their local service to BellSouth and purchase BellSouth basic (1FR) service.
- The customer must place the order on or before March 31, 2005.
- Offer valid for only one (1) service line at the intended local service address.
- The customer must place their order through a BellSouth business office or outbound telemarketing vendor or alternate channels as indicated.
- Once the customer completes the above requirements they will receive two local line features without charge for 12 months. If the customer cancels or discontinues the qualifying service (1FR), he will be ineligible for this offer.
- BellSouth reserves the right to discontinue or modify this promotion at any time following Commission notice.

REQUEST: For each of the promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please describe and produce a copy of all the terms describing and governing eligibility for the promotion, including but not limited to, effective dates, and any tariff or other regulatory filings made by BellSouth.

RESPONSE: Please see BellSouth's responses to Items No. 1-11 and 1-12.

REQUEST: For each of the promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please identify and explain each and every reason why dPi Teleconnect, LLC, was not eligible for the credit or why the credit was otherwise denied.

RESPONSE: 1. The Line Connection Waiver promotion requires the end user to be a reacquisition or win-over customer coming to dPi and ordering a minimum of basic local service and 2 purchased custom calling and/or touchstar features. dPi was denied credit for one or more of the following reasons:

- Original service order ("SO") did not include the purchase of 2 custom calling and/or touchstar features.
- Original SOs were disconnect from dPi UNE to new dPi resale account– does not meet reacquisition/win-over criteria.
- Original SO was a move order for dPi customer to move from one location to another – does not meet reacquisition/win-over criteria.
- Original SO was a Change order to move from resale to UNE – UNE accounts are not available for promotions.
- Original SO was a Change order to add CREX or another feature to existing dPi customer.

2. Secondary Service Order Charge Waiver waives secondary service charges when customers add or change one or more of the following services/features to their *residential* service:

- Rotary Line Service
- TouchStar Service
- Custom Calling Services
- Prestige Communications Package
- Customized Code Restrictions
- Designer Listing
- Message Waiting Indication
- RingMaster Service
- Memory Call Service
- Privacy Director Service
- Voice Mail Companion Services Package



RESPONSE (CONT.):

- Preferred Pack Plan

Denial was based on Service Order merely switching dPi's means of serving customer from UNE to resale.

3. IFR Plus Two Free Features minimum requirement is basic local service plus 2 ***purchased*** Custom Calling and/or TouchStar features (includes RingMaster). Universal Service Order Codes ("USOC") without a rate (i.e., HBG, BRD, BCR) and CREX are not qualifying USOCs. Customer receives 2 free features for one year when they meet criteria.

dPi was very seldom denied credit for this promotion. In rare instances, denial was based on account not remaining resale for the month for which the promotion was applied.

**REQUEST:** For each of the reasons identified in RFI 1-15 as a reason why dPi Teleconnect, LLC, was not eligible for a particular credit, please provide as an example an actual copy of the underlying order/request and/or order establishing the underlying service that was not eligible for the promotion.

**RESPONSE:** Information responsive to this request is proprietary and will be provided upon execution or entry of an acceptable nondisclosure agreement or protective order.

REQUEST: For each of the categories of promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please indicate the amount of credit requested; the amount of credit granted; and the amount of credit denied, from January 1, 2002, to the present.

RESPONSE: Information responsive to this request is proprietary and will be provided upon execution or entry of an acceptable nondisclosure agreement or protective order.

**REQUEST:** For each of the promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please identify each and every CLEC which also applied for a credit under that promotion and was not denied for any part of their of their claim.

**RESPONSE:** Four CLECs applied for and received credit for such promotions.

These requests were processed before BellSouth implemented a promotion eligibility validation process. Since establishment of a validation process, BellSouth has denied all such promotional credit requests.

REQUEST: Please produce copies of all correspondence and/or communications between BellSouth and dPi Teleconnect, LLC, relating to BellSouth's promotions.

RESPONSE: BellSouth objects to this Request on the grounds that it is overly broad and that complying with it would be unduly burdensome. BellSouth has offered numerous promotions over the last two years and should not have to catalog each one for dPi's benefit when, as explained above, dPi has access to the requested information.

BellSouth also objects to this Request to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence that is relevant to any issue in this complaint. dPi is requesting information related to promotions that have been offered by BellSouth since January 1, 2002. dPi's complaint is only related to promotions BellSouth has offered since the Fall of 2003.

Subject to and without waiving this objection, information responsive to this request is proprietary and will be provided upon execution or entry of an acceptable nondisclosure agreement or protective order.

REQUEST: Please produce copies of all BellSouth's internal documents relating to BellSouth's promotions.

RESPONSE: BellSouth objects to Data Request No. 1-19 on the grounds it is unduly burdensome, overly broad, and oppressive as written, particularly as dPi is requesting information relating to all of BellSouth's promotions. dPi's request to provide information related to all of BellSouth internal documents related to its promotions is unduly burdensome as it would require BellSouth to locate, search and review thousands of pages of documents. BellSouth also objects to this Request to the extent that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving the foregoing objections, information responsive to this request is proprietary and will be provided upon execution or entry of an acceptable nondisclosure agreement or protective order.

REQUEST: Please produce copies of all BellSouth's internal documents (e.g., communications between employees; between employees and vendors or consultants) relating to BellSouth's decisions to grant or deny promotion credits to CLECs.

RESPONSE: BellSouth objects to Data Request No. 1-20 on the grounds it is unduly burdensome, overly broad, and oppressive as written, particularly as dPi's request relates to BellSouth's decisions to grant or deny any promotion credits to any CLEC. BellSouth also objects to this request to the extent it requires disclosure of confidential, proprietary and commercially sensitive information relating to BellSouth's wholesale customers. BellSouth also objects to the extent this request seeks information protected by the attorney-client privilege, work product doctrine, or otherwise is beyond the scope of permissible discovery.

Subject to, and without waiving the foregoing objections, information responsive to this request is proprietary and will be provided upon execution or entry of an acceptable nondisclosure agreement or protective order.

REQUEST: Please produce copies of all documents showing BellSouth's internal communications (including, but not limited to, communications between employees; between employees and vendors or consultants) relating to BellSouth's decisions to grant or deny promotion credits to dPi Teleconnect, LLC.

RESPONSE: BellSouth objects to this Request to the extent it seeks information that is protected from discovery by the attorney-client privilege, work product doctrine, or otherwise is beyond the scope of permissible discovery.

Subject to and without waiving the foregoing objections, information responsive to this request is proprietary and will be provided upon execution or entry of an acceptable nondisclosure agreement or protective order.



REQUEST: Please produce copies of all BellSouth's internal training, billing dispute, and policy documents relating to BellSouth granting or denying promotion credits to CLECs, including, but not limited to, directions or training materials to account managers, billing department employees, employees involved in CLEC dispute resolution, etc.

RESPONSE: Information responsive to this request is proprietary and will be provided upon execution or entry of an acceptable nondisclosure agreement or protective order.

**REQUEST:** Please identify any and all occurrences, on a month to month basis beginning January, 2002, of an end user ordering from BellSouth basic service plus any two of the three following features: the call return block (bearing in North Carolina the Universal Service Ordering Code ["USOC"] of "BCR"); the repeat dialing block ("BRD"); and the call tracing block, and "HBG" block. Please indicate what these customers were charged when implementing these services, including any and all recurring charges, non-recurring charges, and promotional charges.

**RESPONSE:** BellSouth objects to this Request on the grounds that, as written, it is overly broad and responding to this Request would be unduly burdensome and expensive.

BellSouth also objects to this Request to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence that is relevant to any issue in this proceeding. dPi is requesting information related to services that have been offered by BellSouth since January, 2002. dPi's complaint is only related to services BellSouth has offered since the Fall of 2003.

Subject to and without waiving the foregoing objections, BellSouth will produce information setting forth the number of 1FR (residence) access lines with any two of the three features identified in the Request on a monthly basis from January 2005 to December 2006. This information is proprietary and will be provided upon execution or entry of an acceptable nondisclosure agreement or protective order.

Respectfully submitted on this 29<sup>th</sup> day of January, 2007.

By: Patrick Turner  
Patrick W. Turner  
1600 Williams Street, Suite 5200  
Columbia, South Carolina 29201  
(803) 401-2900 (telephone)  
(803) 254-1731 (facsimile)  
ATTORNEY FOR BELL SOUTH  
TELECOMMUNICATIONS, INC.

665388

STATE OF SOUTH CAROLINA

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CERTIFICATE OF SERVICE

COUNTY OF RICHLAND

)

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. ("BellSouth") and that she has caused BellSouth Telecommunications, Inc.'s BellSouth Telecommunications, Inc.'s Response to dPi Teleconnect, LLC's First Set of Requests for Information in Docket No. 2005-358-C to be served upon the following on January 29, 2007.

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**(U. S. Mail and Electronic Mail)**

Nanette S. Edwards, Esquire  
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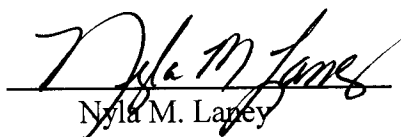
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Nyla M. Laney

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